

Docket No.: 1254-0323PUS1
(Patent)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent Application of:

Masanori SOMEI et al.

Application No.: 10/591,899

Confirmation No.: 7982

Filed: September 07, 2006

Art Unit: 1628

For: **INDOLE DERIVATIVE AND APPLICATION
THEREOF**

Examiner: A. Pagonakis

REQUEST FOR REFUND

MS 16

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

I. REFUND REQUEST

This is a request for a refund with respect to the charge to Deposit Account No. 02-2448 shown on the statement for the month of October 2010 for the above-identified

- ☒ application ☐ patent
- ☐ A copy of the monthly statement is enclosed.

II. FEES CHARGED FOR WHICH REFUND REQUESTED

	AMOUNT OF REFUND REQUESTED
<input type="checkbox"/> filing fee	
<input type="checkbox"/> search fee	
<input type="checkbox"/> examination fee	
<input type="checkbox"/> surcharge for filing the basic filing fee or oath/declaration on a date later than the filing date of the application (37 C.F.R. § 1.16(e))	
<input type="checkbox"/> extension of term	
<input type="checkbox"/> first month	
<input type="checkbox"/> second month	
<input type="checkbox"/> third month	
<input type="checkbox"/> fourth month	
<input type="checkbox"/> fifth month	
<input type="checkbox"/> excess claims	
<input type="checkbox"/> issue fee	
<input type="checkbox"/> petition fee	
<input type="checkbox"/> patent maintenance fee	
<input type="checkbox"/> first maintenance fee	
<input type="checkbox"/> second maintenance fee	
<input type="checkbox"/> third maintenance fee	
<input type="checkbox"/> patent maintenance fee surcharge	
<input checked="" type="checkbox"/> Other	
<input checked="" type="checkbox"/> Request for Continued Examination	\$405.00
<input type="checkbox"/>	
<input type="checkbox"/>	
TOTAL REFUND REQUESTED	\$405.00

III. EXPLANATION OF WHY CONTESTED CHARGE IS IN ERROR

Applicant qualifies for small entity status, and the assertion of small entity status was made when the application was filed on September 6, 2006. The large entity fee of \$810.00 was paid in error for the Request for Continued Examination filed October 20, 2010. It is respectfully requested that the excess fee of \$405.00 be refunded to Deposit Account No. 02-2448.

IV. REFUND OF 50% OF FEES

- ☒ enclosing a copy of the written Assertion of Small Entity Status
- ☐ filed herewith
- ☒ filed on September 6, 2006 (see page 2 of the attached Transmittal Letter)

V. MANNER OF REFUND

It is respectfully requested that the excess fee of \$405.00 be credited to Deposit Account No. 02-2448.

VI. REMARKS

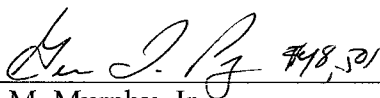
Pursuant to 37 C.F.R. § 1.28(a), applicants hereby request a refund of 50% of the Filing Fee. Small entity status has been established by the filing of a written assertion/statement on **September 6, 2006**.

Small entity applicants may file the necessary Statement within three (3) months of the date of payment of any particular fee and request a refund. The present application qualifies for the reduced fees as implemented by the U.S. Patent and Trademark Office on October 1, 1982, and further amended on January 20, 1983 and September 8, 2000.

Favorable action on the present Request is respectfully requested.

Dated: OCT 26 2010

Respectfully submitted,

By  7/18, 201
Gerald M. Murphy, Jr.
Registration No.: 28977
BIRCH, STEWART, KOLASCH & BIRCH, LLP
8110 Gatehouse Road, Suite 100 East
P.O. Box 747
Falls Church, VA 22040-0747
703-205-8000

Attachment

PTO-1390 (Rev. 07-2005)

Approved for use through 03/31/2007. OMB 0651-0021

U. S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A SUBMISSION UNDER 35 U.S.C. 371		ATTORNEY'S DOCKET NUMBER 1254-0323PUS1 U.S. APPLICATION NO. (if known, see 37 CFR 1.5)
INTERNATIONAL APPLICATION NO. PCT/JP2005/003743	INTERNATIONAL FILING DATE 4 March 2005	PRIORITY DATE CLAIMED 8 March 2004
TITLE OF INVENTION INDOLE DERIVATIVE AND APPLICATION THEREOF		
APPLICANT(S) FOR DO/EO/US Masanori SOMEI; Atsuhiko HATTORI and Nobuo SUZUKI		
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:		
1. <input checked="" type="checkbox"/> This is a FIRST submission of items concerning a submission under 35 U.S.C. 371. 2. <input type="checkbox"/> This is a SECOND or SUBSEQUENT submission of items concerning a submission under 35 U.S.C. 371. 3. <input checked="" type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below. 4. <input type="checkbox"/> The US has been elected (Article 31). 5. <input checked="" type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371 (c)(2)) a. <input type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau). b. <input checked="" type="checkbox"/> has been communicated by the International Bureau. c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US). 6. <input checked="" type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)). a. <input checked="" type="checkbox"/> is attached hereto. b. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4). 7. <input checked="" type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3)) a. <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau). b. <input type="checkbox"/> have been communicated by the International Bureau. c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired. d. <input checked="" type="checkbox"/> have not been made and will not be made. 8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)). 9. <input checked="" type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)). 10. <input type="checkbox"/> An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).		
Items 11 to 20 below concern document(s) or information included:		
11. <input checked="" type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98. 12. <input checked="" type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included. 13. <input checked="" type="checkbox"/> A preliminary amendment. 14. <input type="checkbox"/> An Application Data Sheet under 37 CFR 1.76. 15. <input type="checkbox"/> A substitute specification. 16. <input type="checkbox"/> A power of attorney and/or change of address letter. 17. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821 – 1.825. 18. <input type="checkbox"/> A second copy of the published International Application under 35 U.S.C. 154(d)(4). 19. <input type="checkbox"/> A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).		

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U.S. APPLICATION NO. (if known, see 37 CFR 1.53) 10/591 899		INTERNATIONAL APPLICATION NO. PCT/JP2005/003743		ATTORNEY'S DOCKET NUMBER 1254-0323PUS1	
20. <input checked="" type="checkbox"/> Other items or information: Return Receipt Postcard PCT/ISA/210; PCT/304; PCT/IB/308 (First and Second Notice) and Four Sheets of Formal Drawings					
The following fees have been submitted				CALCULATIONS	PTO USE ONLY
21. <input checked="" type="checkbox"/> Basic national fee (37 CFR 1.492(a)) \$300				\$ 300.00	
22. <input checked="" type="checkbox"/> Examination fee (37 CFR 1.492(c)) If the written opinion prepared by ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4) \$0 All other situations \$200				\$ 200.00	
23. <input checked="" type="checkbox"/> Search fee (37 CFR 1.492(b)) If the written opinion of the ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4) \$0 Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority \$100 International Search Report prepared by an ISA other than the US and provided to the Office or previously communicated to the US by the IB \$400 All other situations \$500				\$ 400.00	
TOTAL OF 21, 22 and 23 =				\$ 900.00	
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing in compliance with 37 CFR 1.821(c) or (e) or computer program listing in an electronic medium) (37 CFR 1.492(j)). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.					
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof (round up to a whole number)	RATE		
49 - 100 =	/50 =		x \$250.00	\$	
Surcharge of \$130 for furnishing any of the search fee, examination fee, or the oath or declaration after the date of commencement of the national stage (37 CFR 1.492(h)).				\$	
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE		
Total claims	9 - 20 =	0	x 50.00	0.00	
Independent claims	2 - 3 =	0	x 200.00	0.00	
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+		
TOTAL OF ABOVE CALCULATIONS =				\$ 900.00	
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Fees above are reduced by 1/3.				450.00	
SUBTOTAL =				\$ 450.00	
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(i)).				\$	
TOTAL NATIONAL FEE =				\$ 450.00	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property				\$	
				\$	
TOTAL FEES ENCLOSED =				\$ 450.00	
				Amount to be refunded:	\$
				Amount to be charged	\$

10/591899
IAP9 Rec'd PCT/PTO 07 SEP 2006

PTO-1390 (Rev. 07-2005)

Approved for use through 03/31/2007. OMB 0651-0021


U. S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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- a. ☒ A check in the amount of \$ 450.00 to cover the above fees is enclosed.
- b. ☐ Please charge my Deposit Account No. 02-2448 in the amount of \$ _____ to cover the above fees.
A duplicate copy of this sheet is enclosed.
- c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 02-2448. A duplicate copy of this sheet is enclosed.
- d. ☐ Fees are to be charged to a credit card. **WARNING:** Information on this form may become public. **Credit card information should not be included on this form.** Provide credit card information and authorization on PTO-2038

NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.

SEND ALL CORRESPONDENCE TO:


SIGNATURE

Marc S. Weiner
NAME

CUSTOMER NUMBER: 02292
September 6, 2006
/smt

32,181
REGISTRATION NUMBER